

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GABRIEL MANYUNDUK,

Plaintiff,

v.

CLARK COUNTY DETENTION CENTER,

Defendant.

2:14-cv-2084-GMN-VCF

ORDER

I. DISCUSSION

On December 12, 2014, this Court denied Plaintiff's application to proceed *in forma pauperis*, without prejudice, because the application was incomplete. (ECF No. 3 at 1-2). The Court granted Plaintiff 30 days from the date of that order to file a fully complete application to proceed *in forma pauperis* or pay the full filing fee of \$400. (*Id.* at 2). The Court warned Plaintiff that if he did not timely comply with that order, the Court would dismiss the case. (*Id.*).

On January 16, 2015, the Court dismissed the case without prejudice because Plaintiff failed to file another application to proceed *in forma pauperis*, pay the full filing fee, or otherwise respond to this Court's December 12, 2014 order. (ECF No. 4 at 2-3). The Clerk of the Court entered judgment the same day. (ECF No. 5).

On March 9, 2015, Plaintiff filed an application to proceed *in forma pauperis*. (ECF No. 6). Plaintiff states that the reason his application to proceed *in forma pauperis* was late was because nobody worked from Christmas Day to New Year's Eve and he did not have enough time between December 12, 2014 and January 12, 2015 to obtain his paperwork. (ECF No. 6-1 at 1).

The Court denies the application to proceed *in forma pauperis* as moot. Although Plaintiff attempts to explain why he could not timely file his application to proceed *in forma pauperis* within 30 days, he does not explain why he filed it two months after the deadline or why he did not file a motion for an extension of time. The Court directs Plaintiff to file his

1 application to proceed *in forma pauperis* and complaint in a new case. However, Plaintiff shall
2 not file any more documents in this closed case.

3 **II. CONCLUSION**

4 For the foregoing reasons, **IT IS ORDERED** that the application to proceed *in forma*
5 *pauperis* (ECF No. 6) is **DENIED as moot**.

6 **IT IS FURTHER ORDERED** that the Clerk of the Court SHALL SEND Plaintiff the
7 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document
8 entitled information and instructions for filing an *in forma pauperis* application.

9 **IT IS FURTHER ORDERED** that the Clerk of the Court shall send to Plaintiff the
10 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The Clerk
11 of the Court shall also send Plaintiff a copy of his complaint. (ECF No. 1-1).

12 **IT IS FURTHER ORDERED** that Plaintiff shall file his application to proceed *in forma*
13 *pauperis* and complaint in a new action. Plaintiff shall not file anymore documents in this closed
14 case.

15 DATED this 30th of March, 2015.

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19 Gloria M. Navarro, Chief Judge
20 United States District Court
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